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21 **UNITED STATES BANKRUPTCY COURT**
22 **DISTRICT OF NEVADA**

23 In re:

24 **USA COMMERCIAL MORTGAGE**
25 **COMPANY,**

26 **USA CAPITAL REALTY ADVISORS,**
27 **LLC,**

28 **USA CAPITAL DIVERSIFIED TRUST**
29 **DEED FUND, LLC,**

30 **USA CAPITAL FIRST TRUST DEED**
31 **FUND, LLC,**

32 **USA SECURITIES, LLC,**

33 **Debtors.**

34 **Affects:**

35 All Debtors
36 USA Commercial Mortgage Company
37 USA Capital Realty Advisors, LLC
38 USA Capital Diversified Trust Deed Fund, LLC
39 USA Capital First Trust Deed Fund, LLC
40 USA Securities, LLC

41 Case No. BK-S-06-10725-LBR
42 Case No. BK-S-06-10726-LBR
43 Case No. BK-S-06-10727-LBR
44 Case No. BK-S-06-10728-LBR
45 Case No. BK-S-06-10729-LBR

46 **CHAPTER 11**

47 Jointly Administered Under Case No.
48 BK-S-06-10725 LBR

49 **MOTION FOR ORDER REQUIRING**
50 **HFAH CLEAR LAKE, LLC TO**
51 **PRODUCE ONE OR MORE**
52 **REPRESENTATIVES FOR**
53 **EXAMINATION PURSUANT TO**
54 **FEDERAL RULE OF**
55 **BANKRUPTCY PROCEDURE 2004**

56 [No hearing required]

57 Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating
58 Trust (the "Trust" or "Movant") hereby moves this Court for an order requiring HFAH
59 Clear Lake, LLC ("HFAH Clear Lake") to produce one or more representatives, as set
60 forth in the subpoena to be issued under Federal Rule of Bankruptcy Procedure 9016, to

1 appear for examination at the office of Merrill Legal Solutions, 25 W. 45th Street, Suite
2 900, New York, New York 10036, on a business day no earlier than ten (10) business days
3 after the filing of this Motion and no later than September 30, 2007, or at such other
4 mutually agreeable location, date, and time, and continuing from day to day thereafter
5 until completed.

6
7 This Motion is further explained in the following Memorandum.

8
9 **Memorandum**

10 The Movant seeks information concerning various transactions between HFAH
11 Clear Lake and USACM, the other debtors in the above-captioned cases (together with
12 USACM, the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise
13 related entities. The Movant seeks this information to assist in the collection of the assets
14 and the investigation of the liabilities of the Debtors.

15
16 The requested discovery from HFAH Clear Lake is well within the scope of
17 examination permitted under Bankruptcy Rule 2004, which includes:

18 [t]he acts, conduct, or property or . . . the liabilities and financial condition
19 of the debtor, or . . . any matter which may affect the administration of the
20 debtor’s estate, or to the debtor’s right to a discharge. In a . . .
21 reorganization case under chapter 11 of the Code, . . . the examination may
22 also relate to the operation of any business and the desirability of its
continuance, the source of any money or property acquired or to be acquired
by the debtor for purposes of consummating a plan and the consideration
given or offered therefore, and any other matter relevant to the case or to the
formulation of a plan.

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1 FED.R. BANKR. P. 2004(b).

Conclusion

Accordingly, the Movant requests that this Court enter the form of order submitted with this Motion.

Dated: August 17, 2007.

DIAMOND MCCARTHY LLP

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